

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00

AGR-05 CEA-01 CIAE-00 COME-00 DODE-00 FRB-03 H-01

INR-07 INT-05 L-02 LAB-04 NSAE-00 NSC-05 PA-01 RSC-01

AID-05 CIEP-01 SS-15 STR-01 TAR-01 TRSE-00 PRS-01

SP-02 FEAE-00 OMB-01 XMB-02 /084 W

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FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC IMMEDIATE 1579

C O N F I D E N T I A L BUCHAREST 0393

E.O. 11652: GDS

TAGS: EEWT, RO

SUBJECT: US-ROMANIAN TRADE AGREEMENT: COMPARISON OF ENGLISH
AND ROMANIAN TEXTS

REF: (A) STATE 019072; (B) BUCHAREST 0321; (C) BUCHAREST 0299

1. GOR HAS ACCEPTED MODIFICATION OF ARTICLE I AS PROPOSED
PARA 2 REFTEL C, AS WELL AS DELETION OF QUOTE THE LAST SENTENCE
OF UNQUOTE IN ANNEX I PARA 1/D PER REFTEL A.

2. GOR HAS PREPARED A ROMANIAN TEXT WHICH DIFFERS AT SOME
POINTS FROM THAT REPORTED REFTEL B. IN THE PROCESS OF
RECONCILING DIFFERENCES BETWEEN THE TWO TEXTS, WE ACCEPTED SEVERAL
MINOR CHANGES IN THE ENGLISH TEXT TO INSURE IDENTICAL PROVISIONS
IN THE TWO LANGUAGES. THE FOLLOWING CHANGES MAY BE OF INTEREST
TO WASHINGTON AGENCIES, ALTHOUGH WE DO NOT BELIEVE THEY ARE
SUBSTANTIVE:

A. IN PARA 2 OF ARTICLE IV, ROMANIANS PROPOSED ADDING
REFERENCES TO FINANCIAL AS WELL AS COMMERCIAL TRANSACTIONS.
WE FOUND THIS ACCEPTABLE, SINCE WE ASSUME QUOTE COMMERCIAL
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UNQUOTE IN OUR TEXT INTENDED TO REFER TO ALL NON-GOVERNMENTAL

TRANSACTIONS, INCLUDING THEIR FINANCIAL ASPECTS. SECOND SENTENCE PARA 2 THEREFORE NOW READS QUOTE THEY SHALL NOT CLAIM OR ENJOY IMMUNITIES FROM SUIT OR EXECUTION OF JUDGEMENT OR OTHER LIABILITY IN THE TERRITORY OF THE OTHER PARTY WITH RESPECT TO COMMERCIAL OR FINANCIAL TRANSACTIONS; THEY ALSO SHALL NOT CLAIM OR ENJOY IMMUNITIES FROM TAXATION WITH RESPECT TO COMMERCIAL OR FINANCIAL TRANSACTIONS, EXCEPT AS MAY BE PROVIDED IN OTHER BILATERAL AGREEMENTS UNQUOTE.

B. IN ARTICLE VI, ROMANIAN TEXT USES DIFFERENT WORDS TO REFER TO LOCAL CURRENCY (MONEDA LOCALA) AND CONVERTIBLE CURRENCY (VALUTA CONVERTIBILA), AND WE COULD NOT FIND A TERM TO COVER ANY CURRENCY. RESULTING AWKWARDNESS OF CONSTRUCTION LED US TO ELIMINATE PHRASE QUOTE IN ANY CURRENCY UNQUOTE NEAR END OF LAST SENTENCE PARA 2 AND TO REPLACE FINAL PHRASE QUOTE LOCAL AND ANY CONVERTIBLE CURRENCY UNQUOTE AT END OF PARA 3 BY QUOTE SUCH CURRENCIES UNQUOTE. WE BELIEVE CHANGES DO NOT ALTER MEANING.

C. RE PARA 1/A OF ANNEX I, ROMANIANS EXPRESSED DIFFICULTY IN TRANSLATING PHRASE QUOTE THE BASIS FOR CONCERN UNQUOTE. WE EVENTUALLY AGREED TO REWORDING FIRST SENTENCE TO READ QUOTE ... PRESENTING AND EXAMINING TOGETHER THE FACTORS RELATING TO IMPORTS THAT MAY BE CAUSING OR THREATENING TO CAUSE ... UNQUOTE.

3. ROMANIAN DELEGATION HEAD NICOLAE TOLD AMBASSADOR THIS AFTERNOON THAT HE NOW EXPECTS TO SIGN OFF ON DEFINITIZED TEXT JANUARY 31 AND FORWARD IT FOR GOVERNMENT APPROVAL. WHEN AMBASSADOR ASKED HOW LONG THIS WOULD TAKE, NICOLAE SAID IT WAS IMPOSSIBLE TO PREDICT SINCE A NUMBER OF THE INDIVIDUALS WHO WOULD HAVE TO BE INVOLVED WERE AND WOULD BE ABSENT FROM BUCHAREST FOR SOME TIME. HE MENTIONED AT ONE POINT IT MIGHT TAKE AS LONG AS TEN DAYS TO OBTAIN THE NECESSARY APPROVAL BUT SAID HE WOULD TRY TO HAVE A SOMEWHAT CLEARER IDEA TOMORROW.
BARNES

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRADE AGREEMENTS, TRANSLATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BUCHAR00393
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750034-0777
From: BUCHAREST
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975018/aaaaaglm.tel
Line Count: 99
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 019072, 75 BUCHAREST 0321, 75 BUCHAREST 0299
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 10 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 JUN 2003 by ShawDG>; APPROVED <21 OCT 2003 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US-ROMANIAN TRADE AGREEMENT: COMPARISON OF ENGLISH AND ROMANIAN TEXTS
TAGS: EEWT, RO, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006